

## GAS INJUNCTION ARGUED.

CONSOLIDATED FRANCHISES VOID  
HUGHES' FRIENDS

And declares that present deposits of consumers are sufficient to protect the company. James H. Beck, who is the chief counsel for the Consolidated Gas Company, is expected to appear in court today.

Argument on the motion of the Consolidated Gas Company to continue pending litigation, the preliminary injunction restraining the enforcement of the recent gas law was heard in the United States Circuit Court before Judge Lacombe yesterday. The court room was crowded with lawyers and laymen.

The main argument in support of the application of the Consolidated Gas Company was made by James H. Beck of St. Paul, Minn., who is the chief counsel for the company. He was assisted by John A. Garver, Charles F. Mathewson and ex-Judge Dillon also in support of the company's application.

Charles F. Hughes, who had been retained by Attorney General Meyer, made the principal argument against the injunction. The only other speaker, Assistant Corporation Counsel Burr, spoke on behalf of the city.

There was some prolixity as to the time for argument and also the disposal of the minor motions in the case of the Central Trust Company on behalf of the New Amsterdam Gas, the Mutual Gas Light and the Standard Gas Light companies. It was finally settled that the motions in the case of the subsidiary companies should be taken up on the regular calendar on Friday, and that two hours should be allowed for the main argument to each side and 45 minutes for final summing up.

Mr. Beck in opening for the gas company regretted the absence of Mr. Choate. He referred to the three laws whose unconstitutionality is complained of the act of the Legislature in 1905 fixing the price of gas at 75 cents per 1,000 feet to the city of New York, that creating the gas commission and giving it the right to fix the price of gas in New York city, and that passed this year confirming the decision of the commission upon the 80 cent rate for New York.

These laws are in violation of the Federal Constitution, he asserted, because they impair the obligation of a contract which the State made with the company and because they contravene the amendment, not merely in taking away property without due process of law but also in denying the company the equal protection of the laws.

"The burden of proof upon final hearing rests upon the complainant," said Mr. Beck. "But today we have but to persuade your Honor that there are here questions of fact and law about which men may reasonably differ. Then, even if your Honor should feel that the defendant's version of law and fact tended more nearly to be right than ours, it would still be your duty under all the decisions to preserve the status in quo."

A number of Supreme Court decisions were cited to show that a Legislature had power to fix rates only when the corporation's rates were unreasonable and excessive. The dollar rate was plainly not excessive, Mr. Beck declared.

Other grounds advanced for the issuance of an injunction were the excessive penalties fixed for violations of the 80 cent law; the unjust loss to the company if the court denied the injunction and later held the law unconstitutional and the impossibility of any loss to the consumer through the company's plan of depositing the money in dispute with the court.

Mr. Beck said that the tangible assets were worth \$20,000,000, besides franchises which the State Board of Assessors taxed at \$24,000,000, so that \$44,000,000 of assets were really capitalized at \$68,000,000.

"Our moving affidavits," he added, "show that our property is really worth over \$90,000,000. Thus, far from charging an unreasonable rate, the company would be charged \$1.24 per thousand feet of gas, a thousand as the most of gas. Moreover, the 'reasonable' 8 per cent return upon the \$30,000,000 at which the commission appraised the company's property, when added to the company's estimate of the cost, brought the rate the company should be allowed to charge on the commission's findings higher than the rate it had fixed. This error alone made the law confiscatory."

Mr. Hughes began his argument against the motion directly after recess, talking from 2 until 4:20.

"I have heard little said to-day on the rights of the public in this case and certainly these are a great factor in determining right and justice in it. The court cannot issue an injunction according to precedent until it has satisfied itself of the probable final result of the suit would be to set aside the legislative enactment."

"The company has been careful to point out the possible loss to itself from the irreversibility of its customers and the like, if no injunction is granted, but they have been careful not to point out that they now hold more than a million dollars of their customers' money as security against the very losses against which the company asks a totally superfluous injunction."

"Why give up the money now? That money will insure them against loss of 20 cents per thousand each month for ten months. If they should come in at the end of that time and demand deposits and ask an injunction, they would have some semblance of justice. But to come here and ask for the suspension of a duly constituted law, passed after a careful investigation and they secured for ten months against any possible damage under it—such a suspension, such an injunction, I maintain, they have no right to ask."

Mr. Hughes asserted that the commission had full power to fix the rate at 80 cents and that the rate was not unreasonable and confiscatory.

The debate closed with arguments summing up by Mr. Beck in which he again asked for an injunction on the ground of the "rotten unconstitutionality" of the law, by Mr. Mathewson, Mr. Garver and finally by Mr. Hughes.

Judge Lacombe gave the lawyers until Wednesday to submit briefs. Mr. Choate is expected to file one. A decision is not expected until a week or ten days.

## ARRESTED WHILE ON PARADE.

Leader of Brooklyn Singing Organization  
Charged With Family Disorder

While John Schuch, a leading member of the Dutch-American Singing Society, was leading a parade as captain of the Williamsburg contingent to Manhattan yesterday from Brooklyn, he was arrested on a warrant charging him with having abandoned his wife, Rosemary, who lives at 301 Wall Street, in custody just as the procession, starting from the Brooklyn contingent at Flushing Avenue and Beaver Street. He was arrested in full regalia, with a massive sword and mounted on a spirited horse.

Schuch is a carpenter, 35 years old and lives at Third Avenue and East 10th Street, Borough of The Bronx. It was alleged that in January last he abandoned his wife and two children. Mrs. Schuch learned that he was active in the affairs of the Dutch-American Singing Society and that he had been delegated to lead the Brooklyn contingent in a parade to Schuch's Harbor River Park, where the annual picnic was announced to take place. She was at Flushing Avenue and Beaver Street yesterday morning with four officers, Frouny and Coleman, when the members of the band began to gather. Presently Schuch, mounted on a charger and accompanied by a band of musicians, appeared and ordered for the society to move, and the band had started up a lively air when the two policemen caught hold of his horse and immediately released him. He then hastened to rejoin the parade. Schuch told the police that his wife was prompted by spite in having him arrested.

BETHE CLAICHE TO BURN.  
Girl Who Killed Gordon Gets a Short Term in State Prison.

Bethe Claiche, the young woman of the Tenderloin who killed Emil Gordon, whom she had supported, was sentenced yesterday to not more than five years and not less than two years and two months in the Auburn prison for women. Justice Davis went to the Supreme Court, criminal branch, to sentence her.

The girl, who pleaded guilty to manslaughter and might have been sentenced to twenty years, was brought into court by a deputy sheriff. She wore a sailor hat, a white waist and a black skirt. She looked fresher than when she was on trial.

The proceedings were very short. The lawyer, her counsel, said that the girl had written a letter to her mother to the court and that he had nothing to add to it. In the letter Bethe said that she would like to go to the House of Good Shepherd and that she would like to be a nurse. She said that her heart is bleeding and that she was a miserable dog who only knows the voice of his master and that's all, and that she was a snake in the grass from whom every one was running.

Bethe's sister and mother were in court. The court, when they heard Justice Davis's sentence, which was regarded as mild. Had the girl furnished any evidence against the vice squad, which she did yesterday, she might have been sent to the Bedford Reformatory.

Policeman Harry Morton, the former member of the vice squad, who was involved in the Claiche case and indicted last week for perjury, will be put on trial before Justice Scott on Monday. A special panel of talesmen will be drawn. His counsel filed yesterday a formal demurrer to the indictments.

## NEGRO ESCAPES LYNCHING.

His Mother Holds Up Mob With a Shotgun and Is Killed.

NEW ORLEANS, June 4.—Allen Turner, a negro living at Friendship, La., is in Bienville parish prison after a narrow escape from lynching. Turner attempted to assault a white woman, Mrs. James Barrow, wife of a farmer. The woman's screams aroused the neighbors, who started after Turner.

When they attempted to enter the Turner cabin, his mother held up the pursuers with a shotgun, firing at them. She was killed by the return fire.

Turner was captured soon after and confessed his offense. He was hurried into the neighboring parish and was then taken to the Bienville parish prison, where he is considered safe from the mob.

## VICISSITUDES OF WENHAM.

He and Miss Lawrence Let Go on a Forgery Charge, but Chicago Wants Him.

Charles F. Wenham, the former passenger agent of the Canadian Pacific Railroad and his companion, Miss Kay Lawrence, who were indicted for forgery last week, were discharged yesterday by Judge Cowing in General Sessions. Assistant District Attorney Lockwood said that there was not enough evidence on which to secure a conviction and recommended that the indictments be dismissed.

Wenham was remanded to the Tombs. He is held to await extradition to Chicago, where there are six indictments against him for forgery, growing out of his connection with the railroad.

## Changes Name From Brodsky to Brody.

Judge Crane in the County Court, Brooklyn, yesterday granted Louis Brodsky, a dealer in candy, stationery and cigars at 148 Jay Street, permission to change his name to Brody. In his affidavit the petitioner said that "with some people whose custom and trade the petitioner seeks to acquire, it is necessary to have a name terminating with the syllable 'sky' is a sign of foreignness and undesirable in the person who bears it."

## Browning, King &amp; Company

BOY OR MAN.

Wash Suits—if the Boy is ready for them—for city or country.

Manly-boyish Suits for his elder brother.

And whatever the Man wants, both as to style and fit, is here—he wants

Clothes, Furnishings and Hats.

"In seeking the best in style," said Beau Brummell, "I choose that showing which is most comprehensive."

Broadway at 324 St. Cooper Square at 5th St. Manhattan Fulton St. at De Kalb Ave. Brooklyn

## ASKS ELLISON TO RETRACT.

MEYER SAYS HIS COMPANY HAS NOT STOLEN CITY WATER.

Reconnection With Wyckoff Heights Co's Pipes. Leased by the Citizens' Water Supply Company.

Chief Mayor, president of the Citizens' Water Supply Company, which was virtually charged on Saturday by Commissioner Ellison with the stealing of water from the city's Brooklyn supply, issued a statement last evening in which he said that the tap complained of at Standhope street and St. Nicholas Avenue was made at the instance of the Water Department itself and that the city paid the bill for the work. Mr. Meyer also called upon Mr. Ellison, Commissioner of Water Supply, Gas and Electricity, to retract the charge he had made against the company in so far as his power to correct the grievous wrong which he had inflicted.

Mr. Meyer, in his consultation for several hours yesterday with his attorneys before the statement was issued. It was intimated that proceedings for slander might be brought against the Water Commissioner if he did not take back what he had said about the Citizens' company's connection with the Standhope street tap. Here is Mr. Meyer's statement:

I was accompanied at the charges made by Mr. Ellison, the commissioner of Water Supply, Gas and Electricity, that the Citizens' Water Company had been surreptitiously tapping water from the city mains and reselling it to the city. I am deeply grieved by the character that it ought not to have been made unless the Commissioner possessed absolute proof that the fact which he asserted existed.

In reply to a statement made by Mr. Sullivan respecting the connection, the Commissioner is reported to have said:

Mr. Sullivan, in his published statement, says this man of the Citizens' company was cut off when they took out the meter several years ago. When connected it again, I wonder? Certainly the city did not. There is no record anywhere in our department or on our maps of such a connecting pipe as we discovered feeling the ground. Water from a main. It was placed there surreptitiously and the city main was tapped surreptitiously many years ago. I presume about 1885. Since that date the city has been buying water from the Citizens' company at \$5 a million gallons. This is a charge of larceny, and certainly the Commissioner ought not to have made such a charge unless he was able to support it by indubitable proof. All fair minded men, I think, will agree that if the statement was not true the charge was outrageous. I believe the Commissioner himself would so characterize his statement if convinced that it was untrue in fact. That it is untrue and that the statement was recklessly made is established by conclusive proof.

Investigation immediately instituted after the charge by the Commissioner was made has developed that about October, 1900, the city caused to be made without the knowledge of the Citizens' company, or any of its officers, a reconnection between its main and the old main of the Wyckoff Heights Company at St. Nicholas Avenue and Standhope street as is evidenced by the following bill, which the city paid, and for which it was subsequently reimbursed by the parties at whose instance the connection was made:

Here followed a photographic copy of a bill rendered by the Department of Water Supply, Borough of Brooklyn, to J. Pfadenhauser of 181 Stange street for "putting in a two inch connection, St. Nicholas Avenue and Standhope street." The bill amounted to \$34.65 and was paid. Continuing Mr. Meyer says:

Several years ago the Citizens' company purchased the old Wyckoff Heights Water Company, the latter company then being engaged in the business of supplying a few customers on Wyckoff Heights in Queens county. Its sole supply of water was purchased from the Borough of Brooklyn, and this water passed through a meter located at the point at which the connection of the city's main and the Wyckoff Heights company's mains at St. Nicholas Avenue and Standhope street, Brooklyn. After the Citizens' company purchased the Wyckoff Heights company's instructions were given to discontinue the use of city water. The meter was removed and used elsewhere, and is still in the company's possession, and the pipe was "plugged" and all connections between the pipes absolutely ceased.

Four and one-half years after this the Citizens' company, with the written authority of the city officials and in the presence of the inspector appointed by the city, connected our large main on Cypress Avenue with the old small mains of the Wyckoff Heights company in Standhope street, and this was permitted to be done by the city officials without giving our company or any of its officers any notice that they had four and one-half years prior thereto made the connection at St. Nicholas Avenue and Standhope street.

If, therefore, it be true, as the Commissioner alleges, that the water has been passing between the city's main and the Citizens' company's main since the reconnection of the city's main and the Citizens' company's main at St. Nicholas Avenue and Standhope street, the city has been getting our water instead of our company getting the city's water, because of the higher average pressure maintained in the city's main. It is apparent, therefore, if there be fault it is not our fault, and if there be injury it is not the city that suffers.

Upon a consideration of these facts I believe the Commissioner, whom I believe always regarded as an honorable man, will feel called upon to withdraw the charge which he has made of the misappropriation of water by the Citizens' Company and the charge that the Citizens' company was surreptitiously tapping the city's main and was using the city's water.

I invite the closest scrutiny into the relations existing between the Citizens' Company and the city of New York and I call upon the Commissioner as an honorable man to retract the charge which he has made and in so far as lies in his power to correct the grievous wrong which he has inflicted.

Commissioner Ellison said yesterday that he would continue the investigation into the alleged wholesale thefts of city water by private companies in Brooklyn and Queens. About twenty-five places have been marked out for excavation. These are the places at which the department expects to find that the city mains have been tapped. Mr. Ellison refused again to tell where he got the information on that led to the investigation. It was said, however, that it was given by a man who was in position to know where the private water companies were doing and that it was he who told of the connection between the Citizens' company's mains and the city's system at Standhope street and St. Nicholas Avenue.

The excavation which uncovered that tap will be visited today by Commissioner Ellison, Chief Engineer De Vore and Deputy Commissioner Cozier. Mr. Meyer has been invited to meet the official party there and give an explanation he cares to about the connection.

Deputy Commissioner Cozier admitted that the department had no positive proof as yet that other private companies had taps into the city mains.

"I would not drop dead with surprise, however," he said, "if we were to discover the proof. I should then have the satisfaction of saying 'I told you so.'"

Wouldn't Answer Questions and Goes to Jail

The law firm of Elliott & Jones recently obtained a judgment against Gustav Stengel for \$119.40 for services rendered. The judgment was returned unsatisfied and yesterday Stengel was brought up in supplementary proceedings. He refused to answer any questions and was then taken before Judge Lacombe in the Supreme Court in Brooklyn, who found him guilty of contempt of court and fined him \$150. Not having the money to pay his fine he was remanded to Raymond Street Jail.

**The Wanamaker Store**  
Store Closes at 8:30 P. M.  
**Men's \$5 Patent Leather Oxfords**  
at \$3.25 a Pair

Compared with any other Oxfords to be found outside of WANAMAKER'S these would be 50 values. In their finish they have all the details of the shoemaking that you would look for only in custom work. They are made of the best patent calfskin, in popular Blucher style, with smart narrow toes, arched instep and military heels. Made with invisible eyelets, and finished at every point in the handsomest manner possible. All new and perfect, in a complete range of sizes as the selling starts. At \$3.25 a pair.

**Wedding Gifts**  
**In CHINA AND GLASS**  
The new China Store is resplendent in beautiful and artistic China and Glassware exactly suited for wedding gifts and anniversary presents. The new store not only provides magnificent assortment of pieces, many of which are in exclusive patterns, but Wanamaker prices will be found universally lower than those on equal goods elsewhere.

The following list is suggestive:

**Cut Glass**  
The following list of Cut Glass will be interesting to those contemplating the purchase of wedding gifts. Coming from the factory whose entire output we control, the prices quoted will be found to be at least twenty-five per cent below regular.

Bowls, at \$2.50, \$3.50, \$5.00, \$7.50, \$10.00, \$12.50, \$15.00, \$17.50, \$20.00, \$22.50, \$25.00, \$27.50, \$30.00, \$32.50, \$35.00, \$37.50, \$40.00, \$42.50, \$45.00, \$47.50, \$50.00, \$52.50, \$55.00, \$57.50, \$60.00, \$62.50, \$65.00, \$67.50, \$70.00, \$72.50, \$75.00, \$77.50, \$80.00, \$82.50, \$85.00, \$87.50, \$90.00, \$92.50, \$95.00, \$97.50, \$100.00, \$102.50, \$105.00, \$107.50, \$110.00, \$112.50, \$115.00, \$117.50, \$120.00, \$122.50, \$125.00, \$127.50, \$130.00, \$132.50, \$135.00, \$137.50, \$140.00, \$142.50, \$145.00, \$147.50, \$150.00, \$152.50, \$155.00, \$157.50, \$160.00, \$162.50, \$165.00, \$167.50, \$170.00, \$172.50, \$175.00, \$177.50, \$180.00, \$182.50, \$185.00, \$187.50, \$190.00, \$192.50, \$195.00, \$197.50, \$200.00, \$202.50, \$205.00, \$207.50, \$210.00, \$212.50, \$215.00, \$217.50, \$220.00, \$222.50, \$225.00, \$227.50, \$230.00, \$232.50, \$235.00, \$237.50, \$240.00, \$242.50, \$245.00, \$247.50, \$250.00, \$252.50, \$255.00, 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